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9 *Attorneys for Plaintiff HP Inc.*

10 UNITED STATES DISTRICT COURT  
11 NORTHERN DISTRICT OF CALIFORNIA  
12 SAN FRANCISCO DIVISION  
13

14 IN RE OPTICAL DISK DRIVE PRODUCTS  
15 ANTITRUST LITIGATION

MDL Docket No. 3:10-md-02143-RS-JCS

16 This document relates to:

Case No. 3:13-cv-05370-RS

17 *Hewlett-Packard Company v. Toshiba Corp., et*  
18 *al.*, No. 3:13-cv-05370-RS

**STIPULATION AND [PROPOSED]  
ORDER REGARDING HP AND SONY  
DISCOVERY**

Hon. Richard Seeborg

**WHEREAS**, Plaintiff HP Inc., formerly known as Hewlett-Packard Company (“HP”), and Defendants Sony Corporation, Sony Electronics Inc., Sony Optiarc Inc. (formerly known as Sony NEC Optiarc Inc.), and Sony Optiarc America Inc. (formerly known as Sony NEC Optiarc America Inc.) (collectively, “Sony”) wish to explore mediation and the potential settlement of HP’s claims against Sony in this case;

**WHEREAS**, HP and Sony wish to pursue mediation, and HP prefers to do so in Houston, Texas, using a private mediator;

**WHEREAS**, HP and Sony wish to avoid potentially unnecessary costs by deferring the remaining discovery between them pending mediation; and

**WHEREAS**, pursuant to the Scheduling Order entered on April 22, 2016 (Dkt. No. 1866), fact discovery is scheduled to close on December 9, 2016, prior to the first available date the mediator has available;

**NOW THEREFORE, IT IS HEREBY STIPULATED** by and between the undersigned counsel for HP and Sony as follows:

1. HP and Sony shall pursue mediation with Daryl Bristow in Houston, Texas on January 4, 2017.

2. Pending such mediation, HP and Sony shall defer all remaining written and deposition discovery between them, subject to the agreement that if (and only if) HP and Sony do not agree to settle, such discovery – which consists solely of (1) the deposition of Masafumi Amino, (2) responses to pending written discovery issued to HP by Sony, and (3) responses to pending written discovery issued to Sony by HP – shall recommence as follows:

a. The deposition of Masafumi Amino shall take place on January 30-31, 2017, in San Francisco, California; and

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b. HP and Sony shall serve their responses to the remaining discovery served on the other on January 31, 2017.

**IT IS SO STIPULATED.**

Dated: December 9, 2016

**CROWELL & MORING LLP**

By: /s/ Beatrice B. Nguyen

Beatrice B. Nguyen  
Matthew J. McBurney

*Attorneys for Plaintiff HP Inc.*

Dated: December 9, 2016

**BOIES, SCHILLER & FLEXNER LLP**

By: /s/ Steven C. Holtzman

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*Attorneys for Defendants  
Sony Corporation; Sony Optiarc America, Inc.;  
Sony Optiarc, Inc.; and Sony Electronics Inc.*

**FILER ATTESTATION**

Pursuant to Rule 5-1(i)(3) of the Local Rules of Practice in Civil Proceedings Before the United States District Court for the Northern District of California, I, Beatrice B. Nguyen, hereby attest that concurrence in the filing of this document has been obtained from each of the other signatories.

Dated: December 9, 2016

**CROWELL & MORING LLP**

By: /s/ *Beatrice B. Nguyen*

Beatrice B. Nguyen

*Attorneys for Plaintiff HP Inc.*

~~PROPOSED~~ ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: 12/14/16



Honorable Richard G. Seeborg  
United States District Judge